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Filing date: **06/19/2019**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91233690
Party	Plaintiff Image Ten, Inc.
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Submission	Motion to Suspend for Settlement Discussions
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Date	06/19/2019
Attachments	Motion for Suspension.pdf(18138 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IMAGE TEN, INC.,	)	Opposition No.: 91233690
	)	
Opposer,	)	Application No.: 87/090,468
	)	
v.	)	Mark: NIGHT OF THE LIVING DEAD
	)	
RUSTY RALPH LEMORANDE,	)	Filed: June 30, 2016
	)	
Applicant.	)	
	)	

**MOTION FOR SUSPENSION PENDING SETTLEMENT NEGOTIATIONS**

Pursuant to the Order of March 21, 2019, *see* TTABVUE #37, Opposer Image Ten, Inc., and Applicant Rusty Ralph Lemorande (collectively, “Parties”), hereby jointly move to suspend the current action by thirty-days for cause, through and including July 24, 2019. The Parties respectfully state as follows.

1. On March 7, 2019, counsel for Applicant filed a Motion to Extend the Deadlines indicating that the Parties needed more time to complete discovery. TTABVUE #36.
2. On March 21, 2019, an Order issued granting the extension request and stating that any further requests for extension shall contain “a motion in said form signed by one party and including a statement that every other party has agreed thereto.” TTABVUE #37 at 1 n.1.
3. Both Parties are in agreement regarding the instant Motion for Suspension Pending Settlement Negotiations.
4. The Parties are currently engaging in settlement discussions and are hopeful to have an agreement in place by the end of the thirty-days requested.

5. As such, the Parties agree to suspend all existing deadlines, and specifically ask to reschedule certain deadlines as follows:

Plaintiff's Pretrial Disclosures Due	7/24/2019
Plaintiff's 30-day Trial Period Ends	9/7/2019
Defendant's Pretrial Disclosures Due	9/22/2019
Defendant's 30-day Trial Period Ends	11/6/2019
Plaintiff's Rebuttal Disclosures Due	11/21/2019
Plaintiff's 15-day Rebuttal Period Ends	12/21/2019
Plaintiff's Opening Brief Due	2/19/2020
Defendant's Brief Due	3/20/2020
Plaintiff's Reply Brief Due	4/4/2020
Request for Oral Hearing (optional) Due	4/14/2020

WHEREFORE, the Parties respectfully move for a thirty-day suspension of all deadlines so that they may finalize the settlement agreement and bring this matter to a close.

Respectfully submitted,

**THE WEBB LAW FIRM**

Dated: June 19, 2019

/Cecilia R. Dickson/  
Cecilia R. Dickson (PA ID No. 89348)  
Christopher P. Sherwin (Reg. No. 67923)

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*Attorneys for Opposer*

**CERTIFICATE OF SERVICE**

I certify that on the 19<sup>th</sup> day of June, 2019, a true and correct copy of the foregoing **MOTION FOR SUSPENSION PENDING SETTLEMENT NEGOTIATIONS** was served upon Applicant via email:

Rusty Ralph Lemorande  
1245 North Crescent Heights Blvd., #B  
Los Angeles, CA 90046  
lemorande@gmail.com

**THE WEBB LAW FIRM**

/Cecilia R. Dickson/

Cecilia R. Dickson